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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,810	04/30/2002	Adrea Nascimbene	3573-13	6127

7590 07/19/2004
Nixon & Vanderhye
1100 North Glebe Road 8th Floor
Arlington, VA 22201-4714

EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,810

Applicant(s)

ANDREA NASCIMBENE

Examiner

Julio R Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/30/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (5724346).

Regarding claim 1, Kobayashi et al. disclose access terminal re-routing redundancy capability in point-multipoint radio communication systems for fixed services (FS) and fixed wireless access applications (FWAA), consisting of giving a subscriber access terminal the feature to automatically and autonomously switch from a radio node, to which it is normally connected, to an alternative radio node, usually not dedicated to the redundancy functionality (col. 7, lines 7-44; Fig. 1, the user station connected to an access point is able to transfer to the another access point signal strength between itself and the first access point deteriorates; as a result, it connects to another with better signal quality).

Regarding claim 2, Kobayashi et al. disclose re-routing, wherein a redundancy switching logic is provided in said access terminal, apt to automatically switch to the alternative radio node (host radio node) upon failure in the connection, which normally operates between the terminal itself and the home radio node (col. 7, lines 7-67; col. 8, lines 1-18, the user station possesses capabilities to switch from access point to the

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other when it detects signal attenuation that would affect its connection with its current access point).

Regarding claim 3, Kobayashi et al. disclose re-routing, wherein the host radio node is capable to be allocated to other access terminal located in the same sector and has the possibility to bear an additional traffic (col. 6, lines 59-67; col. 7, lines 1-25, the access point, to which the user station transfers, serves several users at the same time within its cell).

Regarding claim 4, Kobayashi et al. disclose re-routing, wherein said alternative radio node is located in the same hub as the radio node with respect to which it has been switched (col. 7, lines 1-44; Fig. 1-2, there are several access point radios located in the same sites area).

Regarding claim 5, Kobayashi et al. disclose re-routing, wherein said alternative radio node is located in a hub different than the one where the radio node with respect to which it has been switched is (col. 7, lines 7-44; Fig. 1, the user station may be handoff to a access point in the different cell).

Regarding claim 6, Kobayashi et al. disclose re-routing, wherein the access terminal is provided with two antennas directed towards said two different hubs and with a two-ways radio frequency switch, or with a single antenna with electronically routed beams (col. 7, lines 7-25, Fig. 1, ref. 14, the user station is able to communicate with access points through electromagnetic beams via its antenna attached electronically to the user station transmission circuitry).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to handoff, routing means for radio transmitters and transmission antennas.


US Pat. No. 6131030 to Schön et al.	Method for transference of cell handover
US Pat. No. 6456847 to Lilja et al.	Timing of handover
US Pat. No. 5617102 to Prater	Transceiver using adaptive antenna
US Pat. No. 2004/0042421 to Mahany	Channel wireless access
US Pat. No. 6181941 to McCarthy	Handoff reserve channels
US Pat. No. 6128493 to Song	Hard handoff system for a mobile
US Pat. No. 6181943 to Kuo et al.	Inter-frequency handoff
US Pat. No. 5717737 to Doviak et al.	Communication between a remote device and host system
US Pat. No. 6418324 to Doviak et al.	Transparent wireless communication

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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7/12/04


SINH TRAN
PRIMARY EXAMINER